

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JASON CHARLES KOPP,  
Petitioner,  
v.  
MARTINEZ,  
Respondent.

Case No. 2:22-cv-00280-TLN-JDP (HC)

ORDER TO SHOW CAUSE WHY THIS  
CASE SHOULD NOT BE DISMISSED FOR  
FAILURE TO PROSECUTE AND FAILURE  
TO COMPLY WITH LOCAL RULES

ECF No. 9

RESPONSE DUE WITHIN TWENTY-ONE  
DAYS

On May 31, 2022, respondent filed a motion to dismiss this case. ECF No. 9. To date, petitioner has not filed a response to the motion.

In cases in which a party is incarcerated and proceeding without counsel, a responding party is required to file an opposition or statement of non-opposition not more twenty-one days after the date the motion is served. E.D. Cal. L.R. 230(l). Failure “to file an opposition or to file a statement of no opposition may be deemed a waiver of any opposition to the granting of the motion and may result in the imposition of sanctions.” *Id.*

To manage its docket effectively, the court requires litigants to meet certain deadlines. The court may impose sanctions, including dismissal of a case, for failure to comply with court orders or local rules. *See* Fed. R. Civ. P. 41(b); E.D. Cal. L.R. 110; *Hells Canyon Pres. Council*

1 v. *U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005); *Carey v. King*, 856 F.2d 1439, 1440-41  
2 (9th Cir. 1988). Involuntary dismissal is a harsh penalty, but a district court has a duty to  
3 administer justice expeditiously and avoid needless burden for the parties. *See Pagtalunan v.*  
4 *Galaza*, 291 F.3d 639, 642 (9th Cir. 2002); Fed. R. Civ. P. 1.

5 Petitioner will be given a chance to explain why the court should not dismiss the case for  
6 his failure to timely file an opposition or statement of non-opposition to respondent's motion.  
7 Petitioner's failure to respond to this order will constitute a failure to comply with a court order  
8 and will result in a recommendation that this action be dismissed. Accordingly, petitioner is  
9 ordered to show cause within twenty-one days why this case should not be dismissed for failure  
10 to prosecute and failure to comply with the court's local rules. Should petitioner wish to continue  
11 with this lawsuit, he shall, within twenty-one days, file an opposition or statement of non-  
12 opposition to respondent's motion.

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14 IT IS SO ORDERED.

15 Dated: October 4, 2022

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17 JEREMY D. PETERSON  
18 UNITED STATES MAGISTRATE JUDGE  
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